
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

BRENSON STOVALL, JR.,

§

Plaintiff,

§

versus

§ CIVIL ACTION NO. 1:06-CV-778

UNITED STATES OF AMERICA,

§

Defendant.

§

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORTS AND RECOMMENDATIONS**

Plaintiff Brenson Stovall, Jr., a federal prisoner, proceeding *pro se*, filed this civil rights action against the United States of America.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

On December 11, 2006, the magistrate judge submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommended dismissing the action without prejudice pursuant to 28 U.S.C. § 1915(e). Plaintiff objected to the Report and Recommendation, claiming that the action should be construed as a petition for writ of habeas corpus. On January 22, 2007, the magistrate judge entered a second Report and Recommendation. The magistrate judge recommended dismissing the petition because plaintiff's complaints about the constitutionality of his federal conviction are not cognizable under 28 U.S.C. § 2241. Plaintiff also filed objections to the second Report and Recommendation.

The court has received and considered the Reports and Recommendations of United States Magistrate Judge, along with the record, pleadings, and all available evidence. The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. Regardless of whether the case is construed as a civil rights action or a petition for writ of habeas corpus, it is subject to dismissal.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the reports of the magistrate judge are **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED at Beaumont, Texas, this 23rd day of February, 2007.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE